

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC K. ROSE,

Defendant.

8:22-CR-85

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture. [Filing 51](#). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On May 23, 2023, the Court held a hearing where defendant entered a plea of guilty to Counts I and II of the Indictment and agreed to admit to the Forfeiture Allegation. The Forfeiture Allegation requests forfeiture of any property constituting or derived from any proceeds that defendant obtained directly or indirectly as a result of his offenses, and used or intended to be used to commit and facilitate the offenses.

2. By virtue of said plea of guilty, defendant forfeited his interest in the following currency amounts:

- a. \$3,000.00 in United States currency seized from hotel room #206, TownePlace Suites Marriott Omaha West, 10865 W. Dodge Road on January 26, 2022; and
- b. \$635.00 from the center console of a white 2013 Cadillac SRX on January 26, 2022.

3. The United States is entitled to possession of said currency, pursuant to [21 U.S.C. § 853](#).

4. The Motion for Preliminary Order of Forfeiture should be granted. Accordingly,

IT IS ORDERED:

1. The Government's Motion for Preliminary Order of Forfeiture, [Filing 51](#), is granted;
2. Based upon the Forfeiture Allegation of the Indictment and Defendant's guilty plea and admission, the Government is hereby authorized to seize the \$3,000.00 and \$635.00 in United States currency;
3. Defendant's interest in the currency is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#);
4. The currency is to be held by the Government in its secure custody and control;
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the Government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the Government's intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than defendant, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier;
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall

be for a hearing to adjudicate the validity of the Petitioner's interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the currency and any additional facts supporting the Petitioner's claim and the relief sought;

7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency as a substitute for published notice as to those persons so notified; and
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 25th day of May, 2023.

BY THE COURT:



Brian C. Buescher
United States District Judge